

ORDINANCE NO. 2002-31-CM

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF TIPPECANOE COUNTY AND THE TIPPECANOE COUNTY COUNCIL
ESTABLISHING FEES FOR ELECTRONIC DATA PRODUCTS AND SERVICES;
RESTRICTING COMMERCIAL REPRODUCTION OF ELECTRONIC DATA; AND
ESTABLISHING ELECTRONIC DATA FUND**

WHEREAS, the Board of Commissioners of Tippecanoe County is authorized to establish a fee for copies of electronic data by the provisions of Indiana Code 36-1-3-8(a)(6); and,

WHEREAS, Indiana Code 5-14-3-2 defines the "direct costs" that may be charged by a unit for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval; and,

WHEREAS, Indiana Code 5-14-3-8(g) establishes a fee that a public agency may charge to copy and provide duplicate records and records maintained in electronic medium.

WHEREAS, Indiana Code 5-14-3 provides that the fiscal body shall adopt an Ordinance to establish a fund for the deposit and use of funds collected for duplication of electronic data; and,

WHEREAS, the Board of Commissioners of Tippecanoe County enacted Ordinance No. 98-55-CM, providing in part for the establishment of fees and charges for Geographic Information Products and Services;

WHEREAS, the Board of Commissioners of Tippecanoe County desires to amend Ordinance No. 98-55-CM as it relates to the fees and charges for electronic data products and services; and,

WHEREAS, it is in the best interests of the citizens of Tippecanoe County that both the Tippecanoe County Council and the Board of Commissioners of Tippecanoe County approve the terms of this Ordinance to conform with the terms of Indiana Code 5-14-3.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Tippecanoe County, Indiana, as follows:

1. That Ordinance No. 98-55-CM, as it relates to fees and charges for Geographical Information Services is hereby repealed, and there is hereby established a uniform schedule of charges and fees that the MITS Department shall charge for the provision of products and services to the general public for plots, data dissemination and data analysis.

2. Small Data Sales. Any data, which is contained in four or less contiguous land sections per request, shall be sold on a time and material basis. The fee for such data shall include the following for each data request.

- A) An initial charge of \$15.00 per request as the minimum contribution toward the County's cost of hardware, software, collection and maintenance of the electronic stored data.
- B) A charge of \$25.00 per hour to partially compensate the County for labor costs, including benefits, and overhead costs for storing and maintaining the data, rounded up to the nearest quarter hour.
- C) The following shall be charged for Inkjet Plotter Costs. These charges will be based on the width of the stock paper available at the department times the length used, and not the size of the original:

High Gloss White Film or Matte Film - \$ 3.00 per square foot

High Gloss Photo Paper - \$ 0.90 per square foot

Coated Paper or Heavy Coated Paper or Natural Tracing Paper - \$ 0.50 per square foot

- D) Electronic data reproduced on laser, ink jet printing, or any other copies shall be sold as follows:

8 ½ x 11 - \$.50 per sheet per side

8 ½ x 14 - \$.50 per sheet per side

11 x 14 7/8 - \$1.00 per sheet one side

11 x 17 - \$1.00 per sheet one side

24 x 36 Xerox Prints - \$3.00

32 x 36 Xerox Prints - \$4.00

- E) Copies of microfilmed documents maintained by the County. \$1.00
- F) \$1.00 per floppy disk.
- G) \$7.00 per blank CD.

The County's direct cost, rounded up to the next highest full dollar for any other medium.

3. Large Data Sales. All data requests for data from one square mile or more shall be charged as follows:

- A) \$45.00 per square mile, or part thereof, per each category of data, less than fifty (50) square miles.
- B) \$35.00 per square mile, or part thereof, per each category of data, from fifty (50) to less than one hundred (100) square miles.
- C) \$20.00 per square mile, or part thereof, per each category of data equal to or over one hundred (100) square miles.
- D) The charges in sections (A) to (C) above shall permit the purchaser of the data to updates of the data upon request, subject to availability, but no more frequently than once per calendar quarter.
- E) After the first year, any purchaser of data may receive updates, subject to availability, for the same data initially purchased for an annual charge of forty percent (40%) of the initial rate charged pursuant to Sections (A) to (C) above. After payment of the annual fee, the purchaser may receive the data upon request, but no more frequently than once per calendar year.
- F) If the purchaser does not purchase annual updates, his right to purchase updates of the data lapses unless he pays the charge set out in paragraph (E) for each year when the purchaser did not pay for updates, unless the purchaser elects to purchase the same data for the charges in Sections (A) to (C) above.

4. Reimbursement for Mailing Costs: (not including copy costs).

- A) Less than or equal to 4 oz. - \$.50 for envelope and postage;
- B) 1st Class Greater than 4 oz., and less than or equal to 2 lbs. = \$5.00;
- C) All Other = Cost plus \$5.00

5. Nothing herein shall be construed to require any employee of Tippecanoe County to provide information contained on or within a public document of an agency or department by telephone. Department heads and elected officials may, but are not required to take requests for documents by phone.

6. Payment for information under this Ordinance shall be made at the time of delivery. However, an office may agree to invoice a person for the charge if that person or company has promptly paid invoices in the past. Any person, or their designee, requesting data shall be liable for the total charges for the request. Any person, or their designee, who fails to pay the charges shall be liable for the charges, plus interest, attorney's fees, and costs of collection.

7. Nothing herein shall compel any office to charge a fee for copies if the fee imposed by this Ordinance is contrary to state law. In the event the fees in this Ordinance are contrary to any charges established by State statute, the State statute shall apply.

8. Pursuant to the provisions of Indiana Code 5-14-3-3(e), no person other than those authorized by the County may reproduce, store, grant access, deliver, or sell any information obtained from any department or office of the County to any other person, partnership, or corporation. In addition, any person who receives information from the County shall not be permitted to use any mailing lists, addresses, or data bases for the purpose of selling, advertising, or soliciting the purchase of merchandise, goods, services, or to sell, loan, give away, or otherwise deliver the information obtained by the request to any other person.

9. A copy of paragraph 8 shall be conspicuously posted in all offices where electronic data is sold and the restriction contained in paragraph 8 shall be offered to any persons who obtain copies of any public information from the County.

10. Any person who violates the terms and conditions of this Ordinance by failing to pay or violating paragraph 8, shall be guilty of an infraction and may be fined up to Two Thousand Five Hundred Dollars (\$2,500). In the event there is a violation of paragraph 8, each violation shall be deemed a separate offense.

11. Pursuant to Indiana Code 5-14-3-8.3, the Tippecanoe County Council hereby establishes the Tippecanoe County Electronic Data Fund. All fees charged under this Ordinance shall be deposited in the fund. All funds in the Electronic Data Fund shall be used only for the purposes set out in Indiana Code 5-14-3-8.3 and shall be subject to appropriation by the Tippecanoe County Council.

12. Any unit of government within Tippecanoe County which has provided electronic data used by Tippecanoe County to create the electronic data covered by this Ordinance, shall receive copies of the data for that unit’s exclusive use free of charge.

13. Any person or unit of government who has a dispute, or seeks relief from the terms of this Ordinance may seek resolution of that dispute or relief from the Board of Commissioners of Tippecanoe County. The Board of Commissioners of Tippecanoe County may grant such relief as is reasonable after recommendation of the County’s MITS Director.

14. This Ordinance shall be effective September 1, 2002; and all Ordinances in conflict herewith are hereby repealed.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on first reading this 5th day of August, 2002, by the following vote:

VOTE	BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY
Yes	_____
	John L. Knochel, President
Yes	_____
	KD Benson, Vice President
Absent	_____
	Ruth E. Shedd, Member

ATTEST:

Robert A. Plantenga, Auditor
of Tippecanoe County

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on second reading this 19th day of August, 2002, by the following vote:

VOTE	BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY
Yes	_____
	John L. Knochel, President
Yes	_____
	KD Benson, Vice President
Yes	_____
	Ruth E. Shedd, Member

ATTEST:

Robert A. Plantenga, Auditor of Tippecanoe County